

ORDINANCE NO. 414

AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES AMENDING TITLE 17 OF THE CITY'S MUNICIPAL CODE BY ESTABLISHING EXEMPTIONS TO THE NEIGHBORHOOD COMPATIBILITY REQUIREMENTS FOR CITYWIDE RESIDENTIAL ZONED NEIGHBORHOODS.

WHEREAS, on May 6, 2003, the City Council adopted Ordinance No. 389 amending Title 17 of the Rancho Palos Verdes Municipal Code as it pertains to the Neighborhood Compatibility requirements. At that time, the Council directed Staff to monitor the effectiveness of the new rules for one-year; and,

WHEREAS, on October 7, 2003, during the one-year review period, a resident of the City of Rancho Palos Verdes informed the Council during public comments at a regularly scheduled meeting that the new Neighborhood Compatibility rules were time consuming and costly for residents proposing minor additions to existing single-family residences. In response, the Council directed Staff to investigate the possibility of establishing exemptions to the new rules; and,

WHEREAS, on February 17, 2004, pursuant to City Council direction, Staff presented the Council with draft language that would establish exemptions to the Neighborhood Compatibility requirements. After reviewing Staff's suggested language, the City Council initiated the Code amendment proceedings; and,

WHEREAS, on June 26, 2004 a notice was published in the *Palos Verdes Peninsula News*; and,

WHEREAS, after notices issued pursuant to the provisions of the Rancho Palos Verdes Municipal Code, the Planning Commission conducted a public hearing on July 13, 2004, at which time all interested parties were given an opportunity to be heard and present evidence regarding said amendments to Title 17 as set forth in the Planning Commission Staff Report of that date; and,

WHEREAS, after discussing the proposed language, the Commission directed Staff to explore redefining and expanding the exemptions and to consult with the City Attorney. The Commission continued the public hearing to its July 27, 2004 meeting; and,

WHEREAS, at its July 27, 2004 meeting, the Planning Commission continued the public hearing, without discussion, to its August 10, 2004 meeting to allow Staff additional time to consult with the City Attorney; and,

WHEREAS, on August 10, 2004, the Planning Commission discussed the revised language proposed by Staff and the City Attorney. After considering public testimony and reviewing the recommended language, the Planning Commission directed Staff to bring back the appropriate Resolution for adoption at its August 24, 2004 meeting; and,

WHEREAS, on August 24, 2004, the Planning Commission reviewed and considered the proposed code amendments to Title 17, and adopted P.C. Resolution No. 2004-33 forwarding its recommendation to the City Council for its consideration.

WHEREAS, on September 30, 2004, a notice of a City Council public hearing on the code amendment was published in the *Palos Verdes Peninsula News*; and

WHEREAS, after notices issued pursuant to the provisions of the Rancho Palos Verdes Municipal Code, the City Council conducted a public hearing on October 19, 2004, at which time all interested parties were given an opportunity to be heard and present evidence regarding said amendments to Title 17 as set forth in the City Council Staff Report of that date. After reviewing the recommended Code amendment language, the City Council directed Staff to bring back the appropriate ordinance and resolution for consideration at its November 3, 2004 meeting, and continued the public hearing; and

WHEREAS, on November 3, 2004, the City Council held the continued public hearing, at which time all interested parties were given the opportunity to be heard and present evidence;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: The City Council has reviewed and considered the amendments to Chapter 17.02 of Title 17 of the Municipal Code.

Section 2: The City Council finds that the amendments to Title 17 of the Municipal Code are consistent with California Government Code Section 65853, zoning amendment procedures.

Section 3: The City Council finds that the amendments to Title 17 are consistent with the Rancho Palos Verdes General Plan and Coastal Specific Plan in that they uphold, and do not hinder, the goals and policies of those plans, in particular to carefully control and direct future growth towards making a positive contribution to all elements of the community.

Section 4: The City Council further finds, based upon its own independent review, that there is no substantial evidence that the amendments to

Title 17 would result in new significant environmental effects, or a substantial increase in the severity of the effects, as previously identified in Environmental Assessment No. 694 and the Negative Declaration, adopted through Resolution No. 97-25 in conjunction with Ordinance No. 320 for amendments to Titles 16 and 17 of the Municipal Code, because the new amendments establish some very minor exemptions to the Neighborhood Compatibility requirements and make other minor non-substantive revisions to the Development Code. Accordingly, the Council hereby finds that Addendum (No. 11) to the prior Negative Declaration, which is attached hereto as Exhibit "A," complies with the requirements of the California Environmental Quality Act.

Section 5: The City Council finds that the amendments to Title 17 are necessary to preserve the public health, safety, and general welfare in the area, while balancing property rights.

Section 6: Paragraphs B of Section 17.02.030 of Title 17 is hereby amended to read as follows:

17.02.30 *Development standards.*

B. *Neighborhood Compatibility.*

1. *The following residential development projects shall be compatible with the character of the immediate neighborhood:*
 - a. *A new residence that is proposed to be developed on a vacant lot;*
 - b. *A new residence that is proposed to replace an existing residence;*
 - c. *An existing residence that is proposed to be remodeled or renovated such that fifty percent or greater of any existing interior and exterior walls or existing square footage is demolished;*
 - d. *An addition to an existing single-family residence or the construction of any new detached structure that individually, or when combined with prior additions cumulatively, results in greater than: (i) 750 square feet of additional floor area, or (ii) a 25% expansion of the total square footage of all of the original structures constructed on the property, including the main residence, the garage, and all detached structures;*
 - e. *The construction of, or an addition to, a new second story or higher story; pursuant to Chapter 17.02 of the Development Code;*
 - f. *Projects that result in lot coverage that exceeds the maximum allowed in Chapter 17.02 of the Development Code;*

- g. *The construction of, or an addition to, a deck, balcony or roof deck to a second story or higher story if the total area of the deck, balcony or roof deck is eighty (80) square feet or larger or projects more than six (6) feet from the existing building; and,*
 - h. *An addition of a mezzanine to an existing structure that modifies the exterior of the structure, other than the placement of flush mounted doors and windows.*
2. *The projects listed in the following subparagraphs (a through d) shall be exempt from the Neighborhood Compatibility requirements of this Paragraph B. However, no property shall be issued a permit for a project that is subject to the same subparagraph more than once in a two-year period without complying with the Neighborhood Compatibility requirements:*
- a. *An addition to an existing single-family residence that meets the following criteria:*
 - i. *Is 16-feet or less in height, as measured according to the criteria stated in Section 17.02.040(B); and,*
 - ii. *Is not being constructed along the facade facing any street; and,*
 - iii. *Is 250 square feet or less in floor area; and,*
 - iv. *Complies with all of the City's residential development standards.*
 - b. *An addition or conversion of non-habitable floor area to habitable floor area that does not result in exterior modifications other than the placement of flush mounted doors and windows.*
 - c. *The construction of a minor non-habitable accessory structure, such as, but not limited to, a cabana, a pool changing room, a storage shed, or a playhouse, that meets the following criteria:*
 - i. *Is 12-feet or less in height, as measured from lowest adjacent grade as stated in Section 17.48.050(D); and,*
 - ii. *Is less than 250 square feet in floor area; and,*
 - iii. *Complies with all of the City's residential development standards.*
 - d. *The enclosure of a roofed breezeway between legally permitted structures or the enclosure of a 250 square foot or less patio cover, provided the enclosure:*
 - i. *Is 16-feet or less in height, as measured according to the criteria stated in Section*

17.02.040(B); and,

ii. *Is attached to the primary structure; and,*

iii. *Complies with all of the City's residential development standards.*

3. *As defined in Section 17.02.040(A)(6) of this chapter, neighborhood character means the existing characteristics in terms of the following:*

a. *Scale of surrounding residences;*

b. *Architectural styles and materials; and*

c. *Front, side and rear yard setbacks.*

4. *The determination of whether a new single-family residence or an addition to an existing single-family residence is compatible with the neighborhood character shall be made by the director or planning commission in the course of considering the applicable permit application(s) for the proposed residence.*

5. *Public Notice. Notice for an application that requires a neighborhood compatibility finding shall be published in a newspaper of general circulation and given to owner' s of property within five hundred feet of the project, to all persons requesting notice, to any affected homeowner' s associations, and the applicant pursuant to Section 17.80.090 (Notice of Hearing) of this title. Said notice shall be given at least fifteen days prior to a decision on the application.*

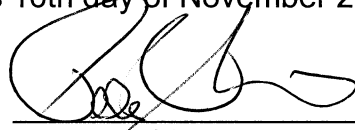
Section 7: The rights given by any approval granted under the terms of Title 17 of the Rancho Palos Verdes Municipal Code prior to the effective date of the adoption of said ordinance shall not be affected by the amendments to Title 17 by this ordinance and shall continue in effect until and unless they are modified, revoked, expired or are otherwise terminated according to the terms of the approval or the terms of Title 17 as they existed prior to the effective date of this ordinance.

Section 8: The amendments to Title 17 of the Rancho Palos Verdes Municipal Code as identified herein shall apply to all development applications submitted after the effective date of the adoption of said ordinance and to all development applications for which a final determination has not been made by the City prior to the effective date of the adoption of said ordinance.

Section 9: For the foregoing reasons, and based on the information and findings included in the Staff Report, Minutes, and other records of proceedings, the City Council of the City of Rancho Palos Verdes hereby adopts the foregoing amendments to Title 17 of the Municipal Code.

Section 10: The City Clerk is directed to certify to the passage and adoption of this ordinance and to cause the full text of this ordinance to be published as required by law.

PASSED, APPROVED, and ADOPTED this 16th day of November 2004.



Mayor

Attest:



City Clerk

State of California)
County of Los Angeles) ss
City of Rancho Palos Verdes)

I, JO PURCELL, City Clerk of the City of Rancho Palos Verdes, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. 414 passed first reading on November 3, 2004, was duly and regularly adopted by the City Council of said City at a regular meeting thereof held on November 16, 2004, and that the same was passed and adopted by the following roll call vote:

AYES: Clark, Long, Stern, Wolowicz, and Mayor Gardiner
NOES: None
ABSENT: None
ABSTAIN: None



City Clerk

**ORDINANCE NO. 414 - EXHIBIT A
ADDENDUM NO. 11 TO ENVIRONMENTAL ASSESSMENT/
NEGATIVE DECLARATION (EA/ND) NO. 694**

November 16, 2004

On April 1, 1997, the City Council adopted Resolution No. 97-25, thereby adopting a Negative Declaration for Environmental Assessment No. 694 for amendments to Titles 16 and 17 of the City's Municipal Code. Prior to its adoption, the Negative Declaration was circulated for public comment from March 4 through March 24, 1997 and no substantive comments were received from any persons or responsible agencies. In adopting the Negative Declaration, the City Council found: 1) that there would be no significant adverse environmental impacts resulting from the adoption of the amendments; 2) that many of the amendments were clarifications and minor non-substantive revisions; and 3) that the substantive amendments would reduce impacts on the environment since the requirements and regulations governing development in the City would generally be strengthened, thereby further reducing any adverse impacts to adjacent properties and upon the environment.

The City Council has reviewed the amendments to Title 17 of the Development Code that establishes specific exemptions to the Neighborhood Compatibility requirements. Based upon its own independent review, the City Council finds that there is no substantial evidence that the amendments to Title 17 would result in new significant environmental effects, or a substantial increase in the severity of the effects, as previously identified in Environmental Assessment No. 694 and the Negative Declaration, adopted through Resolution No. 97-25 in conjunction with Ordinance No. 320 for amendments to Titles 16 and 17 of the Municipal Code. This is because the new amendments establish some very minor exemptions to the Neighborhood Compatibility requirements and make other minor non-substantive revisions to the Development Code. Accordingly, pursuant to the requirements of the California Environmental Quality Act, the City Council finds that no further environmental review is necessary other than the adoption of this Addendum No. 11.



RANCHO PALOS VERDES

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF RANCHO PALOS VERDES)

AFFIDAVIT OF POSTING

The undersigned, being first duly sworn, deposes and says:

That at all times herein mentioned, she was and now is the appointed City Clerk
of the City of Rancho Palos Verdes;

That on November 22, 2004, she caused to be posted the following
document entitled: Ordinance No. 414 - AN ORDINANCE OF THE CITY OF
RANCHO PALOS VERDES AMENDING TITLE 17 OF THE CITY'S
MUNICIPAL CODE BY ESTABLISHING EXEMPTIONS TO THE
NEIGHBORHOOD COMPATIBILITY REQUIREMENTS FOR CITYWIDE
RESIDENTIAL ZONED NEIGHBORHOODS, a copy of which is attached
hereto, in the following locations:

City Hall
30940 Hawthorne Blvd.
Rancho Palos Verdes

Ladera Linda Community Center
32201 Forrestal Drive
Rancho Palos Verdes

Ryan Park
30359 Hawthorne Blvd.
Rancho Palos Verdes

Hesse Park
29301 Hawthorne Blvd.
Rancho Palos Verdes

I certify under penalty of perjury that the foregoing is a true and correct affidavit
of posting.



City Clerk